

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT
1044 CHERRY DRIVE, TOWNSHIP
OF ELDERON, MARATHON COUNTY,
WISCONSIN, WITH ALL APPURTENANCES
AND IMPROVEMENTS THEREON;

and

REAL PROPERTY LOCATED AT
794 CHERRY DRIVE, TOWNSHIP
OF ELDERON, MARATHON COUNTY,
WISCONSIN, WITH ALL APPURTENANCES
AND IMPROVEMENTS THEREON,

Defendants.

On March 4, 2010, I denied claimant-defendant Randal Fenske's motions for a determination that the forfeitures ordered in this case violated the excessive fines clause of the Eighth Amendment and his motion for a stay of execution of the forfeiture order

Now before the court is claimant-defendant's notice of appeal and a request to

proceed in forma pauperis on appeal. Because he was granted leave to proceed in forma pauperis in this court, he “may proceed on appeal in forma pauperis unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed.” Fed. R. App. P. 24(a). I cannot certify that the appeal is not taken in good faith and I can see no other reason to deny claimant-defendant’s request to proceed in forma pauperis.

ORDER

IT IS ORDERED that claimant-defendant Randal Fenske’s motion for leave to proceed in forma pauperis on appeal is GRANTED.

Entered this 2d day of April, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge